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PTO/SB/64 (07-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **STEVE THORNE**

Application No.: **10/602,451**

Art Unit: **3661**

Filed: **06/24/2003**

Examiner: **YONEL BEAULIEU**

Title: **SPEED-MONITORING RADAR-ACTIVATED BRAKE LIGHT**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ **750** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of **NOTICE OF APPEAL** (identify type of reply):

☒ has been filed previously on **9 JAN 2006**  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_  
☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 65 for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Steve Thorne  
Signature

27 FEB. 2006  
Date

STEVE THORNE  
Typed or printed name

Registration Number, if applicable

3315 GRAND AVE.  
Address

(510) 836-1770  
Telephone Number

OAKLAND CA 94610  
Address

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☒ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

27 FEB 2006  
Date

Steve Thorne  
Signature

STEVE THORNE  
Typed or printed name of person signing certificate



**the United States Patent and Trademark Office**

Appn. Number: 10/602,451  
Appn. Filed: 06/24/2003  
Applicant: Steve Thorne  
Title: Speed-Monitoring Radar-Activated Brake Light  
Examiner: Yonel Beaulieu /AU3661

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

27 February 2006

Sir:

Please consider the following remarks pertaining to above-identified application and submitted to supplement completed form PTO/SB/64.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

---

**STATEMENT**

Pro se applicant has endeavored to respond to all PTO correspondence in a timely manner, but unknowingly and unintentionally let the application fall into abandonment due to reasonable miss-interpretation of a communication with the PTO Invention Assistance Center and the Examiner. Applicant assumes full responsibility for this error in interpretation, but believes the extenuating circumstances described below give justification for consideration of the granting of this Petition for Revival.

The original patent application was filed on 6 June 2003, and all subsequent documentation and correspondence between applicant and the PTO was filed timely until Applicant's Response to the Office Action Summary mailed 7 July 2005.

The Office Action Summary, wherein Examiner found the application NOT in a condition for allowance, was a Final Action and mailed to Applicant on 7 April 2005. On 7 July 2005 applicant placed his Response in the US Mail, with the proper postage and proper Certificate of Mailing. At that point, applicant was in belief that his filing was timely. However, applicant addressed said Response to the return address listed on the envelope and stationary used by the Examiner; Assistant Commissioner for Patents, Washington, District of Columbia 20231. Applicant was not aware of the change in PTO mailing address at that time. The US Mail returned applicant's response approximately one month later. Applicant believed that the miss-delivery was in error. Applicant again checked that the address on the Response did indeed match the return address on the PTO envelope and subsequently sent the documents back to the PTO via Express Mail. This envelope was returned to applicant.

Applicant then tried to contact the Examiner by calling the phone number listed in the PTO correspondence for that Examiner (703) 305-8233, and found the number disconnected with no forwarding number. After tracking down a new phone number (571) 272-6955, applicant left three messages for the Examiner asking for information as to direction, but did not receive a response. On 2 September 2005, applicant phoned the Invention Assistance Center and was given a new address for mailing: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450. Applicant also asked if he would need to file a request for a Petition for Extension of Time and was told by the Invention Assistance Center that such a petition would not be needed as long as the original Certificate of Mailing was filed timely. Accordingly, on that same day, 2 September 2005, applicant resent his Response to the Second Office Action to the corrected address together with photocopies of the postmarked envelopes and a letter explaining the events. (Copies of this exchange have been attached herein.)

At that point, applicant believed the application to be in conformance with all PTO time requirements. Six weeks later, applicant received an 'Advisory Action Before the Filing of an Appeal Brief' (mailed 12 October 2005), wherein the Examiner informs

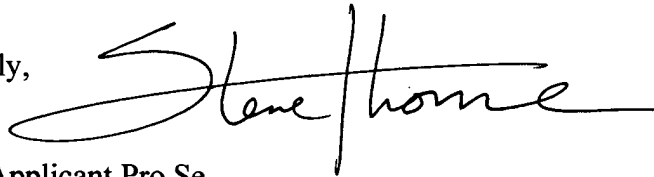
applicant that his application fails to be placed in a condition of allowance, and outlines the options open to applicant: ‘...applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition of allowance; (2) a Notice of Appeal; or (3) a Request for Continued Examination’.

That same advisory action document informs applicant that ‘The period for reply expires 3 months from the mailing date of the final rejection.’ Because the Advisory Action was mailed to applicant 6 months and one week after the ‘final *action*’ of the Office Action Summary (mailed 7 April 2005 – and thus already past the expiration date), applicant assumed the term ‘final *rejection*’ applied to the recently received Advisory Action. Applicant’s belief was further reinforce by the fact that the Examiner made no reference to the application already being past the expiration date, and the statements of the Invention Assistance Center indicating that no time extension was required.

Believing that the period for timely response was three months after the 12 October 2005 Advisory Action, applicant filed a Notice of Appeal on 9 January 2006. Two days later, applicant received a Notice of Abandonment for “failure to reply” to the 7 April 2005 office letter.

Applicant repeats his statement that the above stated sequence of events was initially caused by his own mistake, but that the communications with the PTO led to his reasonable belief that his documents were all filed timely in conformance with the PTO schedules. Accordingly, applicant respectfully requests that this Petition for Revival be granted.

Very respectfully,

A handwritten signature in black ink that reads "Steve Thorne". The signature is stylized, with a large, sweeping "S" and a long horizontal line extending from the end of the name.

Steve Thorne, Applicant Pro Se

3315 Grand Avenue, Oakland CA 94610,

Tel. (510) 836-1770; e-mail: theshack@sbcglobal.net

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,451	06/24/2003	Steve Thorne		9357

STEVE THORNE  
3315 GRAND AVE.  
OAKLAND, CA 94610

EXAMINER	
BEAULIEU, YONEL	
ART UNIT	PAPER NUMBER

DATE MAILED: 04/07/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

571-272-6957  
BIVON PHONIC #

NO MESSAGES  
BACK FROM PTO  
8/29/08

CALLED YONEL  
JUST GOT ANSWERING  
MACHINE --  
PRESS '0' FOR MORE  
OPTIONS -- DISCONNECTS

PHONE

GEN INFO:

CHANGED.

-(703)-308-4357-

From 411

8/12/05 ← 1<sup>ST</sup> CALL  
LEFT A MESSAGE ASKING WHERE TO  
MAIL -

(571) 272-1000

THEY STILL

LIST HIS # AS →

(703)

305

4072

2<sup>ND</sup> CALL

PHONED → AUG 19<sup>TH</sup> 1:17

"NOT IN  
SERVICE"

? DO I NEED A 'PETITION FOR EXTENSION OF TIME

7/2/05 CALL TO YONEL (571) 272-6955

LEFT MESSAGE

JUST LIKE BEFORE ' I WILL RETURN  
YOUR CALL NO  
LATER THAN -  
ONE BUSINESS DAY'

FOR MORE OPTIONS PRESS '0'  
WHEN I PRESS '0' -- "COMMAND  
CANNOT BE  
COMPLETED AT  
THIS TIME'

~~TH~~  
THEIR LEN INFO GIVES OLD # FOR ↑  
THEN 'NOT IN SERVICE'

EXPLAINED TO OPERATOR -

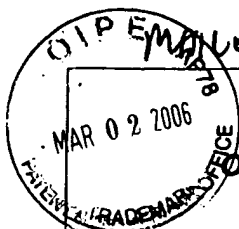
TRANSFERS TO ↓

'INVENTION ASSISTANCE CENTER'

SAID I DON'T NEED TO FILE PET. FOR  
EXT. OF TIME

IF I INCLUDE A CONT. OF MAIL'S.  
GAVE ME NEW ADDRESS.





# Office Action Summary

Application No.

10/602,451

Applicant(s)

THORNE, STEVE

Examiner

Yonel Beaulieu

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

Date MAILED 10/12/2005

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/602,451	<b>Applicant(s)</b> THORNE, STEVE	
	<b>Examiner</b> Yonel Beaulieu	<b>Art Unit</b> 3661	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

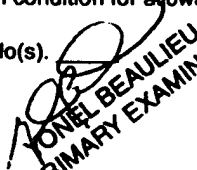
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.

13. ☐ Other: \_\_\_\_\_.

  
YONEL BEAULIEU  
PRIMARY EXAMINER

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